IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 410 OF 2004.

Ganesh Roadways and ors. ... Appellants.
Versus.
The Oriental Insurance Co.Ltd. & anr. ... Respondents.

Shri D.S.Sawant for the Appellants.

CORAM : ABHAY S.OKA, J.

DATED : 21st July, 2006.

P.C.:

1. Heard Shri Sawant for the Appellants. The Appellants are the original Defendants. The trial Court has passed a money decree against the Appellants and the said decree has been confirmed in the Appeal. The submission of Shri Sawant appearing for the Appellants is that the provisions of section 10 of the Carriers Act have not been properly considered by the Courts below and in fact there is no proper service of notice under the provisions of the said Act.

2. Both the Courts below have considered this aspect. The trial Court has observed that the letter dated 6th February 1982 at Exh.19 sufficiently complies with the requirement of section 10 of the said Act. The Courts below have observed that section 10 does not prescribe any particular form of notice. The letter calls upon the Defendants to pay the amount of damages. There is no error in the view taken by the Courts below that there was substantial compliance made with the

requirement of section 10 of the said Act.

3. The Courts below appreciated the oral documentary evidence on record. There is no substantial question of law arises in the Second Appeal. The Second Appeal is dismissed.

Judge.